



1300 Oliver Building  
Pittsburgh, Pennsylvania 15222-2304  
Tel: 412-456-2800  
Fax: 412-456-2864  
www.muslaw.com

Writer's direct dial phone number and e-mail address:

412-456-2881 ~ dgo@muslaw.com

August 6, 2010

Via ECF

Honorable David S. Cercone, U.S.D.J.  
U.S. District Court  
Western District of Pennsylvania  
U.S. Courthouse  
700 Grant Street  
Pittsburgh, PA 15219

RE: United States of America, *ex rel.*, FLFMC, LLC v. T.F.H. Publications, Inc.  
W.D. Pa. Civil Action No.: 10-cv-0437

---

Dear Judge Cercone:

This firm represents plaintiff FLFMC, LLC ("FLFMC") in the above-referenced matter. We are writing in response to the correspondence dated August 5, 2010 from counsel for the Defendant regarding two recent decisions by other Judges in the United States District Court for the Western District of Pennsylvania concerning FLFMC and similar patent false marking claims.

FLFMC acknowledges that the decisions referenced in the August 5<sup>th</sup> correspondence relate to similar cases pending before this Court. To the extent that the Court is being asked to consider these decisions, FLFMC respectfully request the opportunity to provide further briefing on the impact of these decisions to the above-captioned case. FLFMC notes further, though, that the Defendant in the instant case has requested that this Court stay these proceedings pending the resolution of the appeal of the decision in *Stauffer v. Brooks Brothers* (regarding standing). (See Doc. No. 9, p. 17.) The Federal Circuit heard oral argument in *Stauffer* on August 3, 2010. The *Stauffer* decision is referenced in the two decisions from this Court that were attached to the August 5, 2010 letter.

Because of *Stauffer's* current prominence before both this Court and the Federal Circuit, and in an effort to conserve judicial economy, FLFMC hereby advise that it consents to Defendant's request for a stay of this matter pending the Federal Circuit's resolution of the standing issue in *Stauffer*. A grant of Defendant's request for a stay would be consistent with the decision reached by this Court in *United States of America ex rel., and FLFMC, LLC v. William Bounds, Ltd.*, Civil Action No. 10-cv-00420 (W.D. Pa. July 28, 2010) (Honorable Gary L. Lancaster). A copy of the *William Bounds* decision is attached hereto as Exhibit A.

Honorable David S. Cercone, U.S.D.J. Page 2  
Via ECF

Respectfully submitted,

s/ David G. Oberdick

David G. Oberdick

tjt

cc: Russell S. Burnside, Esq. (Via ECF)

846533